How Smoking Bans Disrupt People's Lives

Justice Ray Barone that he was not sure where the infraction took place, the Justice dismissed the case. The complaint cited Tuxedo as the place of arrest.

The trial underscored the need for the railroad police to follow careful arrest procedures.

As part of the criminal procedures law of New York State, railroad police can prosecute anywhere along that railroad line.

To enforce the law, the police need to stop the train or otherwise clarify where they make an arrest and must confiscate the smoking articles for a tobacco analysis, since the law forbids only tobacco use.

Since the maximum fine is $200, such arrest and prosecution procedures might make the law expensive to enforce.

In the history of enforcing the New Jersey transit smoking ban, a number of others have been arrested. Others who pleaded guilty on the Metro-North run where Wolter was arrested have received small fines or a conditional discharge, which means the charge will be dropped if they don't smoke on the train again.

On the Metro-North line, armed guards were placed at each entrance of the train cars to stop smoking violations. Plainclothes policemen were placed in the cars.

They reportly taunted smokers that their violations would make them wealthy. Costs for such policemen are passed along to the counties serviced by the train.

More recently, no guards have been evident.

Wolter said he had the opportunity to plead guilty in March and be released. After the trial, he finds himself in the same position—released but a few thousand dollars lighter for fees.

He said he contemplated his fate that very week in a nonsmoking car while looking at an ad for cigarettes accepted by NJ Transit.

No Smoking Policy Caused Security Guard to Resign

Janet Elizabeth Marie said "it really wasn't a difficult decision to make."

She was talking about writing her letter of resignation last Feb. 20 to the Clemons Agency Inc., after her fruitless efforts to be transferred to a smoking area or position where smoking was permitted.

Employed through the agency as a security guard at the Richmond C&P Telephone's data center, she was required to observe the C&P no smoking policy being initiated March 1. The policy affected public places like the lobby area where she worked, checking IDs of incoming employees or badging visitors.

"The breaks of four or five minutes allowed you only time to visit the restrooms, where smoking was not permitted. In effect, that meant no smoking during the hours of work," Marie said.

It was a job requiring long hours, occasionally a 16-hour day. She sometimes worked seven days a week. Her final week's time sheet listed 63½ hours.

She had been with the agency nearly a year and about 10 months at C&P. She had a good work record. "I didn't miss a day," she stressed.

Marie said she had smoked in the lobby area but had never received complaints. Nearly everyone simply passed through the lobby to reach personal destinations.

The very day of filing her resignation letter, she received a phone call not to come in any more. No reason was ever given.

"They dropped me like hot potato," she said.

She felt the whole thing was unfair in two ways: "My legal right to smoke was denied. This is an important issue that should be considered. My career was put in jeopardy."

She said she wasn't in any financial position to quit her job. Recently divorced, she maintained a home for herself and daughter.

"No doubt, it cost me financially," she said. Marie was without a job until the end of April when she gained another security guard position.

"I never had a problem before in everyday life. I don't blow smoke in people's faces.

"I don't use things that are illegal. As long as they're legal, my choice is to smoke. I absolutely refuse to let anyone take away a legal right from me.

"I don't feel a whole industry should be attacked because of the preference of one person. Why single out the tobacco industry when other things . . . buses, truck fumes, fish offend. If we went this route, how would the United States survive?" ❑

'Pleasure'

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Source: https://www.industrydocuments.ucsf.edu/docs/phgk0000

THE TOBACCO OBSERVER of workplace
AUGUST 1986 VOLUME ELE

Smoking Not at Fault in 96% of Complaints

Cigarette smoke in the air is responsible for only two to four percent of air quality complaints in federal government and private offices, according to two studies of 328 indoor air investigations conducted since 1978.

Almost all the air quality complaints were traced to improper ventilation, pathogenic and allergenic bacteria, fungi, airborne fiberglass, and other particles.

A report from the National Institute for Occupational Safety and Health (NIOSH) shows that environmental tobacco smoke (ETS) was involved in just two percent of 203 indoor air quality investigations handled by the federal agency.

Three-quarters of the complaints to which NIOSH responded came from government and private offices, many of them federal facilities in the Washington, D.C., area.

The second study consists of 125 air quality building investigations conducted by ACVA Atlantic, Inc., a Fairfax, Va., firm specializing in the study and assessment of indoor air pollution.

ACVA was called in to analyze air quality in numerous federal facilities, including offices of the Department of Health and Human Services, the Social Security Administration, the Longworth Congressional Office Building, the U.S. Supreme Court, and a regional headquarters of the General Services Administration.

ACVA concluded that cigarette smoke in the air was related to only four percent of the air quality complaints.

Testifying before a congressional subcommittee, Gray Robertson, ACVA president, said that pending bills to curb smoking in federal buildings "suffer from the fundamental misconceptions that 'tobacco smoke is a major contributor to indoor air pollution' and that 'tobacco smoke is the greatest source of . . . harmful . . . pollution' violating particulate air quality standards. My building studies, and research conducted by NIOSH, do not support these assumptions."

Warning it would be "inefficient and dangerous" to focus only on cigarette smoke without addressing the air quality factors responsible for the vast majority of complaints, Robertson reported: "It would be naive to assume that the removal or control of ETS . . . would solve the indoor air pollution problems. . . . That step ignores the many hidden sources of indoor contamination and can lead —at least in the short run—to a false sense of security." ❑

NIOSH Findings Summarized

Factors in Complaints	*Number of Cases*	*Percentage of Total*
Inadequate Ventilation	98	48.3
Contamination (inside)	36	17.7
Contamination (outside)	21	10.3
Humidity	9	4.4
Contamination (fabric)	7	3.4
Hypersensitivity Pneumonitis	6	3.0
Cigarette Smoking	4	2.0
Noise/Illumination	2	1.0
Scabies	1	0.5
Unknown	19	9.4

ACVA Summary of Findings

Factors in Complaints	*Percentage of Total*[a]
Inadequate/Improper Ventilation	50+
Pathogenic or Allergenic Fungi	31
Pathogenic or Allergenic Bacteria	9
Fiberglass Particles	6
Environmental Tobacco Smoke	4
Carbon Monoxide	4
Ozone	1

[a]Total exceeds 100 because of multiple causes.

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